

VIA US CERTIFIED MAIL, RRR
Article No.: 7010 0780 0000 8981 6474

April 21, 2011

Mark J. Kappelhoff, Section Chief
US Department of Justice
Civil Rights Division, Criminal Section
950 Pennsylvania Avenue, Northwest
Washington, DC 20530

RE: DJ 144-17M-0

Dear Mr. Kappelhoff:

In response to your letter of January 31, 2011, this is a request to reconsider my complaint for the misuse and denial of judicial process under the color of law by the Thirteenth Judicial Circuit, Florida. New evidence is available, a letter dated January 12, 2011 from Major James Livingston, Commander of the Court Operations Division, that supports my claim that Judge Cook falsified records and denied my participation in the judicial process. Major Livingston's online bio states that he served in the FBI and retired as a Supervisory Special Agent after a 22-year career. Major Livingston also earned a law degree in 1983. Major Livingston's letter that impeaches Judge Cook's Order is powerful evidence a color of law violation. (copy enclosed) .

On March 22, 2011 the Clerk of the Court issued a certification that files in the case cannot be located. The Clerk's case docket shows that Donna Healy, Associate Courts Director, docketed my HIPAA protected ADA confidential medical information June 21, 2010. Looks like Judge Cook is behind that too. You can read about this and other crimes in my request for criminal prosecution of Judge Martha J. Cook and Attorney Ryan Christopher Rodems, chapter 825, Florida Statutes to Major Livingston, copy enclosed.

Also enclosed is a copy of Dr. Karin Huffer's letter of October 28, 2010. Dr. Huffer is my ADA advocate. Dr. Huffer wrote:

“As the litigation has proceeded, Mr. Gillespie is routinely denied participatory and testimonial access to the court. He is discriminated against in the most brutal ways possible. He is ridiculed by the opposition, accused of malingering by the Judge and now, with no accommodations approved or in place, Mr. Gillespie is threatened with arrest if he does not succumb to a deposition. This is like threatening to arrest a paraplegic if he does not show up at a deposition leaving his wheelchair behind. This is precedent setting in my experience. I intend to ask for DOJ guidance on this matter.” (p1, ¶2). “He [Gillespie] is left with permanent secondary wounds” (p2, top). “Additionally, Neil Gillespie faces risk to his life and

health and exhaustion of the ability to continue to pursue justice with the failure of the ADA Administrative Offices to respond effectively to the request for accommodations per Federal and Florida mandates.” (p2, ¶1). “It is against my medical advice for Neil Gillespie to continue the traditional legal path without properly being accommodated. It would be like sending a vulnerable human being into a field of bullies to sort out a legal problem.” (p2, ¶1).

Your referral to the Florida Judicial Qualifications Commission (JQC) is moot. A complaint was made to the JQC October 5, 2010. On January 7, 2011, the JQC responded “[p]lease be advised that the Commission completed its review of your complaint in the above matter and determined, at its meeting held on Thursday, November 18, 2010, that the concerns you have expressed are not violations of the Code of Conduct warranting further action by the Commission.”

The FBI should investigate the corrupt JQC. It is widely known that the JQC protects bad judges with the right connections. The JQC’s oversight of Florida judges is a farce. The JQC often targets judges whose primary sin is exposing judicial misconduct. The JQC is so notorious that the Florida legislature has proposed to eliminate JQC confidentiality according to an email from Mayanne Downs, President of The Florida Bar. (copy enclosed).

The JQC retaliated against Judge Gregory P. Holder who spoke out against corrupt judges in Hillsborough County. Judge Holder cooperated with the FBI in the courthouse corruption investigation in 2001 and 2002. The JQC filed Notice of Formal Charges against Judge Holder July 18, 2003 alleging Judge Holder plagiarized 10 pages of a 21 page research report to the Faculty of the Air War College Directorate of Nonresident Studies, Air University, titled "An Analysis of the Anglo-American Combined Bomber Offensive in Europe During World War II, 1942-45." At the time Judge Holder held the rank of Lieutenant Colonel, United States Air Force Reserve.

During the trial, Judge Holder presented compelling evidence that the purported Holder paper was fabricated to retaliate against him for participating in the courthouse corruption investigation. [Bartoszak Tr. pp. 7, 12-13, at App. 3.] On June 23, 2005, the Hearing Panel of the JQC voted unanimously to dismiss the charges against Judge Holder. [Order of Dismissal, at App. 4.] Research indicates that this is the first trial defense verdict against the JQC in almost twenty years. The JQC commenced two bogus, retaliatory inquiries against Judge Holder:

Inquiry Concerning a Judge No. 01-303, Supreme Court Case Number: SC02-33

Inquiry Concerning a Judge No. 02-487, Supreme Court Case Number: SC03-1171

In 1999, Judge Holder reported to former Chief Judge Dennis Alvarez that certain judges were engaging in improper conduct. [Nasco Tr. pp. 17-19, at App. 8.] In July of 2000,

Judge Holder's bailiff, Sylvia Gay, discovered former Judge Robert Bonanno in Judge Holder's chambers, after normal business hours, while Judge Holder was out of state on Air Force Reserve duty.

Judge Bonanno left Respondent's chambers carrying unidentified documents. [Id.] Judge Holder reported this incident, and a law enforcement investigation ensued. [Id. at pp. 102, 105-07.] Ultimately, impeachment proceedings were commenced against Judge Bonanno and he resigned from office.

According to testimony by Detective Bartoszak, the courthouse corruption investigation team was concerned that Judge Holder's activities were being monitored by targets of the investigation. Judge Holder was advised by federal law enforcement agents to carry a weapon, and he was provided with a secure cell phone to communicate with the authorities. [Bartoszak Tr. pp. 7-8, at App. 3.]. Detective Bartoszak testified that because of Judge Holder's cooperation, the investigation's targets had motive and resources to seek retribution against him. [Id. at pp. 7-8] Indeed, these targets faced not just loss of position but potential incarceration. [Id.].

In early 2002, in the midst of the courthouse corruption investigation, Assistant United States Attorney Jeffrey Del Fuoco, who also served in the United States Army Reserve, claimed that an unmarked manila envelope was anonymously placed under his office door at the Army Reserve Headquarters in St. Petersburg. [Del Fuoco Tr., pp. 8-9, at App. 10.] Del Fuoco testified that the unmarked envelope contained an unsigned typewritten note to the effect that "I thought you would be interested in this," or "something should be done about this." [Id. at p. 10.] The note was purportedly signed "A concerned citizen," or "A concerned taxpayer." The note allegedly accompanied a copy of the purported Holder paper and a copy of the Hoard paper (the "Papers"). [Id. at pp. 10-12.]

The United States Attorney's Office did not provide the papers to the JQC until December of 2002, approximately 11 months after it received them. Tellingly, the referral to the JQC occurred just weeks after Judge Holder wrote a letter to the Department of Justice Office of Professional Responsibility complaining about the lack of progress in the courthouse corruption investigation. [Bartoszak Tr. p. 8, at App. 3.] However, by that time, the purported note and envelope had inexplicably disappeared from the file in the United States Attorney's Office. [Del Fuoco Tr., pp. 50-52, at App. 10.] Consequently, the only evidentiary documents received by the JQC were the purported Holder paper and the Hoard paper.

Judge Holder fought back and was awarded \$70,000 by the Florida Supreme Court for successfully defending an unsuccessful JQC Inquiry. On September 15, 2009 the Supreme Court of Florida, Case No. SC03-1171, ordered entry of judgment for Judge Gregory P. Holder for recovery of costs from the Judicial Qualifications Commission in the amount of \$70,000 for successfully defending Inquiry No. 02-487. Judge Holder's actual expenses were \$1,779,691.81 in legal fees, and cost of \$140,870.79.

You ought to read the Grand Jury Presentment of An Investigation Into Judicial Misconduct In Hillsborough County of December 8, 2000, and the JQC Inquiry Concerning Circuit Judge Robert H. Bonanno, JQC Case No. 00-261. A copy of the presentment is enclosed. The JQC Inquiry Concerning Judge Bonanno can be found with links from my website at <http://yousue.org/13th-judicial-circuit-hillsborough-co-florida/>

The presentment showed that the Thirteenth Judicial Circuit is more like a whorehouse or Mafia than a legitimate court. The presentment showed how the unauthorized entry by Circuit Judge Robert Bonanno into the office of Circuit Judge Gregory Holder led to the revelation that Circuit Judge Gasper Ficarrota conducted an extramarital affair with Hillsborough County Bailiff Tara Pisano which lasted for more than a year, and that sexual relations occurred between them in the courthouse during regular business hours while jury trials were conducted in the next room. Grand jury testimony showed Judge Ficarrota wanted to install a "stripper pole" in his chambers so Bailiff Pisano could perform for him, that Ficarrota wore a Pisano's thong in chambers, and that Ficarrota exposed his genitals in chambers. Ficarrota offered his resignation after the affair became public.

Judge Holder also alerted investigators to an incident in which Bailiff Tara Pisano accused her husband, sheriff's Cpl. Carmine Pisano, of threatening to kill Ficarrota in response to the affair. The Sheriff's Office made no report of that incident. The grand jury testimony shows that Carmine Pisano's threat to kill Ficarrota was made in the presence of other officers when Pisano took his service pistol out of its holster and left the room saying he was going to kill Judge Ficarrota. "It's not against the law to threaten anybody except the president of the United States, unless there's an overt act to substantiate it," said Sheriff Cal Henderson. "We didn't do an investigation because one was not needed."

The grand jury found evidence of unlawful election campaigning by Hillsborough County Corporal Michael Sheehan, and secret Judicial Qualifications Commission investigation.

Bailiff Tara Pisano saw large amounts of money in Judge Ficarrota's office, including a cash-filled security box. Pisano saw Ficarrota solicit and receive money from lawyers for Sheriff Cal Henderson's 2000 election campaign. FDLE agents discovered that Judge Ficarrota and Sheehan shared a safe deposit box at a Bank of America branch on Davis Islands. The report does not indicate what the safe deposit box was used for. Judges are ethically forbidden from raising money for political candidates.

The FDLE documents also indicate for the first time the five-year extramarital affair between Judge Bonanno and his former court clerk, Joan Helms. In an interview with Special Prosecutor Jerry Hill and an FDLE agent, Helms, 48, said her sexual relationship with Bonanno began in 1995 and ended in 2000. Helms was the court clerk assigned to Bonanno in the civil trial division during 1998. Sexual encounters with Bonanno occurred during the evenings or on weekends at Helms' home in north Tampa.

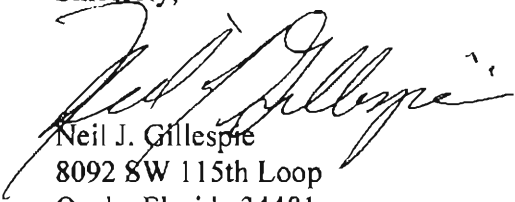
Mark J. Kappelhoff, Section Chief
US Department of Justice

Page - 5
April 21, 2011

You can count me among the millions of Americans that are fed up with this kind of corrupt government. Have you followed the 2011 Arab uprisings in North Africa and the Middle East? I support President Obama's action to aid the Libyan rebels against the corrupt Gaddafi regime. Is that what it takes to end injustice in America?

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil J. Gillespie". The signature is written in a cursive style with a large, sweeping initial "N".

Neil J. Gillespie
8092 SW 115th Loop
Ocala, Florida 34481
Telephone: (352) 854-7807

cc: Dr. Karin Huffer

Enclosures

DR. KARIN HUFFER

Licensed Marriage and Family Therapist #NV0082
ADAAA Titles II and III Specialist
Counseling and Forensic Psychology
3236 Mountain Spring Rd. Las Vegas, NV 89146
702-528-9588 www.lvaallc.com

October 28, 2010

To Whom It May Concern:

I created the first request for reasonable ADA Accommodations for Neil Gillespie. The document was properly and timely filed. As his ADA advocate, it appeared that his right to accommodations offsetting his functional impairments were in tact and he was being afforded full and equal access to the Court. Ever since this time, Mr. Gillespie has been subjected to ongoing denial of his accommodations and exploitation of his disabilities

As the litigation has proceeded, Mr. Gillespie is routinely denied participatory and testimonial access to the court. He is discriminated against in the most brutal ways possible. He is ridiculed by the opposition, accused of malingering by the Judge and now, with no accommodations approved or in place, Mr. Gillespie is threatened with arrest if he does not succumb to a deposition. This is like threatening to arrest a paraplegic if he does not show up at a deposition leaving his wheelchair behind. This is precedent setting in my experience. I intend to ask for DOJ guidance on this matter.

While my work is as a disinterested third party in terms of the legal particulars of a case, I am charged with assuring that the client has equal access to the court physically, psychologically, and emotionally. Critical to each case is that the disabled litigant is able to communicate and concentrate on equal footing to present and participate in their cases and protect themselves.

Unfortunately, there are cases that, due to the newness of the ADAAA, lack of training of judicial personnel, and entrenched patterns of litigating without being mandated to accommodate the disabled, that persons with disabilities become underserved and are too often ignored or summarily dismissed. Power differential becomes an abusive and oppressive issue between a person with disabilities and the opposition and/or court personnel. The litigant with disabilities progressively cannot overcome the stigma and bureaucratic barriers. Decisions are made by medically unqualified personnel causing them to be reckless in the endangering of the health and well being of the client. This creates a severe justice gap that prevents the ADAAA from being effectively applied. In our adversarial system, the situation can devolve into a war of attrition. For an unrepresented litigant with a disability to have a team of lawyers as adversaries, the demand of litigation exceeds the unrepresented, disabled litigant's ability to maintain health while pursuing justice in our courts. Neil Gillespie's case is one of those. At this juncture the harm to Neil Gillespie's health, economic situation, and general diminishment of him in terms of his legal case cannot be overestimated and this bell

cannot be unrung. He is left with permanent secondary wounds.

Additionally, Neil Gillespie faces risk to his life and health and exhaustion of the ability to continue to pursue justice with the failure of the ADA Administrative Offices to respond effectively to the request for accommodations per Federal and Florida mandates. It seems that the ADA Administrative offices that I have appealed to ignore his requests for reasonable accommodations, including a response in writing. It is against my medical advice for Neil Gillespie to continue the traditional legal path without properly being accommodated. It would be like sending a vulnerable human being into a field of bullies to sort out a legal problem.

I am accustomed to working nationally with courts of law as a public service. I agree that our courts must adhere to strict rules. However, they must be flexible when it comes to ADA Accommodations preserving the mandates of this federal law Under Title II of the ADA. While public entities are not required to create new programs that provide heretofore unprovided services to assist disabled persons. (*Townsend v. Quasim* (9th Cir. 2003) 328 F.3d 511, 518) they are bound under ADA as a ministerial/administrative duty to approve any reasonable accommodation even in cases merely regarded as having a disability with no formal diagnosis.

The United States Department of Justice Technical Assistance Manual adopted by Florida also provides instructive guidance: "The ADA provides for equality of opportunity, but does not guarantee equality of results. The foundation of many of the specific requirements in the Department's regulations is the principle that individuals with disabilities must be provided an equally effective opportunity to participate in or benefit from a public entity's aids, benefits, and services." (U.S. Dept. of Justice, Title II, *Technical Assistance Manual* (1993) § II-3.3000.) A successful ADA claim does not require excruciating details as to how the plaintiff's capabilities have been affected by the impairment, even at the summary judgment stage. *Gillen v. Fallon Ambulance Serv., Inc.*, 283 F.3d. My organization follows these guidelines maintaining a firm, focused and limited stance for equality of participatory and testimonial access. That is what has been denied Neil Gillespie.

The record of his ADA accommodations requests clearly shows that his well-documented disabilities are now becoming more stress-related and marked by depression and other serious symptoms that affect what he can do and how he can do it particularly under stress. Purposeful exacerbation of his symptoms and the resulting harm is, without a doubt, a strategy of attrition mixed with incompetence at the ADA Administrative level of these courts. I am prepared to stand by that statement as an observer for more than two years.



P.O. Box 3371
Phone (813)247-8000
www.hcso.tampa.fl.us

David Gee, Sheriff
Jose Docobo, Chief Deputy

Hillsborough County
Tampa, Florida 33601

January 12, 2011

Mr. Neil J. Gillespie
8092 SW 115th Loop
Ocala, Florida 34481

Dear Mr. Gillespie:

In response to your letter dated November 13, 2010, I made contact with Deputy Christopher E. Brown concerning your request for an explanation regarding why he escorted you out of the courthouse on September 28, 2010 after a hearing with Judge Martha Cook. Deputy Brown advised that the Judge ordered you to leave after a disruption in the courtroom. He stated that he followed you to the front door as you exited the building without assistance. Other than the official records maintained by the Court, I am not aware of any other records related to the hearing before Judge Cook.

As we discussed on the telephone today, you expressed some concern over your personal safety while in the courthouse due to a disability and due to a potential threat from opposing counsel. Please let me know the date and time of your next visit to the courthouse and we will take action to help ensure a safe and orderly visit. Please feel free to contact me with any additional questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "James P. Livingston".

James P. Livingston, Major
Court Operations Division

Organizational Structure



Major James Livingston

Major James Livingston has been with the Sheriff's Office since 2006 and serves as the Commander of the Court Operations Division. The Division is responsible for all aspects of security at the Courthouse Complex, which includes the Edgecomb Courthouse, the Courthouse Annex, the County Center, the State Attorney's Office Building, and the Public Defender's Office Building. The Division also includes the Civil Process Section which serves approximately 150,000 court-related documents each year.

Major Livingston came to the Sheriff's Office from the Federal Bureau of Investigation (FBI), where he retired as a Supervisory Special Agent after a 22-year career. He has over 30 years of experience in the criminal justice field, having served as a juvenile probation officer prior to joining the FBI. He is originally from Memphis, Tennessee where he earned a Law Degree in 1983 and a Bachelor's Degree with honors in Criminal Justice in 1977, both from the University of Memphis. He and his family have lived in the Tampa area since 1995. Major Livingston has extensive investigative experience in areas involving terrorism, drugs, organized crime, violent crime, street gangs, and juvenile crime. He also has a broad background in administrative areas including program management, personnel matters, internal inquiries, budget oversight, and problem solving. He completed a four-week leadership course at the FBI's Executive Development Institute in 2000, and a senior leadership seminar at the Kellogg School of Management at Northwestern University in 2006. He has completed dozens of other leadership, operational, and investigative training courses over the years.

VIA US Certified Mail, RRR
Article No.: 7010 0780 0000 8981 6450

April 20, 2011

Major James Livingston, Commander
Court Operations Division
Hillsborough County Sheriff's Office (HCSO)
PO Box 3371
Tampa, Florida 33601

RE: Request for criminal prosecution of Judge Martha J. Cook and Attorney Ryan Christopher Rodems, chapter 825, Florida Statutes

Dear Major Livingston:

This is a request for prosecution of Judge Martha J. Cook and Attorney Ryan Christopher Rodems under chapter 825, Florida Statutes, Abuse, Neglect, and Exploitation of Elderly Persons and Disabled Adults. My affidavit of November 1, 2010 shows Judge Cook ordered me removed from the hearing on Defendants' Motion for an Order of Contempt and Writ of Bodily Attachment, and that Judge Cook falsified the Order in stating that I voluntarily left the hearing and did not return. Your letter of January 12, 2011 shows that I did not leave the hearing voluntarily but was ordered removed by Judge Cook.

Judge Cook's order is currently in appeal in the Second District Court of Appeal, Case No. 2D10-5197. While preparing the Index and Record for appeal, the Clerk could not locate two other affidavits submitted during the time Judge Cook presided over the case¹. A copy of the Clerk's Certificate dated March 22, 2011 is enclosed.

The Clerk's case docket shows that Donna Healy, Associate Courts Director, docketed my HIPAA protected ADA confidential medical information June 21, 2010. On April 4, 2011 I asked Ms. Healy how she obtained the confidential information and who provided the file. My follow-up email April 8th concluded that Judge Cook was responsible the disclosure. Ms. Healy received both emails and did not respond to either. See enclosed.

Violations of §§ 825.102(1)(b)(c) and (2)(c), Florida Statutes

Judge Cook falsified an Order of Contempt with a provision for incarceration, illegally removed files from the case, and unlawfully published a confidential medical report in violation of 825.102(1) Florida Statutes, abuse of a disabled adult, (b) an intentional act that could reasonably be expected to result in psychological injury to a disabled adult;

¹ A pleading in a cause after filing becomes a part of the record and should not be altered, amended, or destroyed without permission of the court, on due notice to the opposite party, and should be kept by the clerk in files of his office. Gracy v. Fielding, 83 Fla. 388, 91 So. 373. The Clerk of the Circuit Court has a legal duty to maintain and to provide access to the records contained in its files unless the records are legally exempt from disclosure. Radford v. Brock, App. 2 Dist., 914 So.2d 1066 (2005).

and (c) active encouragement of Mr. Rodems by Judge Cook to commit an act that results or could reasonably be expected to result in psychological injury to a disabled adult. I am an adult and disabled as defined by the ADA and § 825.101(4), Fla. Stat., and as shown in other filings. Mr. Rodems is seeking to have me incarcerated on the bogus Order.

Judge Cook violated section 825.102(2) Florida Statutes, aggravated abuse of a disabled adult (c) by knowingly or willfully abusing a disabled adult, and in so doing caused permanent disability. Dr. Karen Huffer determined that the abuse caused permanent disability and wrote "He [Gillespie] is left with permanent secondary wounds" in her letter of October 28, 2010. (copy enclosed). Dr. Huffer also wrote:

"As the litigation has proceeded, Mr. Gillespie is routinely denied participatory and testimonial access to the court. He is discriminated against in the most brutal ways possible. He is ridiculed by the opposition, accused of malingering by the Judge and now, with no accommodations approved or in place, Mr. Gillespie is threatened with arrest if he does not succumb to a deposition. This is like threatening to arrest a paraplegic if he does not show up at a deposition leaving his wheelchair behind. This is precedent setting in my experience. I intend to ask for DOJ guidance on this matter." (Dr. Huffer, Oct-28-10, p1, ¶2)

The threat of wrongful incarceration is an intentional act by a judge that could reasonably be expected to result in psychological injury to a disabled adult.

An review of this lawsuit by attorney Seldon J. Childers produced *An Economic Analysis Spreadsheet* draft dated September 17, 2009 that states the following:

"Non-Pecuniary Cost of Litigation. Plaintiff is likely suffering from physical and emotional ill effects resulting from the litigation, as described in Legal Abuse Syndrome, the book provided to me by Plaintiff. It is always difficult to put a dollar figure on the non-pecuniary costs of any case, and this case is no different. In attempting to evaluate the physical and emotional costs of going forward with the litigation, I considered both short and long-term effects, and the opportunity cost caused not just by direct time invested in the case but also by loss of energy related to physical and emotional side-effects. My estimate was \$100,000, but this figure is subjective and the Plaintiff may wish to adjust this figure upwards or downwards. There is 100% probability these costs will be incurred regardless of the outcome of the litigation." (p.4, ¶4). (available on request)

More Unlawful Abuse by Judge Cook in violation of ch. 825 Fla. Stat.

Verified Emergency Petition For Writ of Prohibition, Case No. 2D10-5529, 2dDCA

More evidence of Judge Cook's abuse that could reasonably be expected to result in psychological injury to a disabled adult is described in Verified Emergency Petition For Writ of Prohibition and Motion For Order of Protection, Case No. 2D10-5529, Second District Court of Appeal, filed November 18, 2010. Judge Cook recused herself sua sponte the same date the Petition was filed. The Petition is on the enclosed CD in PDF and is 763 pages with exhibits.

Unlawful Abuse by Mr. Rodems in violation of ch. 825 Fla. Stat.

Mr. Rodems is unlawfully defending his firm and law partner, Barker, Rodems & Cook, P.A. and William J. Cook, against claims by me, a former client, on a matter that is substantially the same as the prior representation². During the representation Mr. Rodems violated § 825.102(1) Florida Statutes, abuse of a disabled adult, (b) an intentional act that could reasonably be expected to result in psychological injury to a disabled adult.

Barker, Rodems & Cook, P.A. knows my disability from prior representation, see:

1. Plaintiff's Accommodation Request Americans with Disabilities Act (ADA), February 18, 2007; and
2. Plaintiff's Amended Accommodation Request Americans with Disabilities Act (ADA), March 5, 2007

On March 3, 2006 Rodems telephoned me at home and threatened to use information learned during his firm's prior representation against me in the instant lawsuit. Rodems' threats were twofold; to intimidate me into dropping this lawsuit by threatening to disclose confidential client information, and to inflict emotional distress, to aggravate my disability, and inflict injury upon me for his advantage in this lawsuit. This was an intentional act that could reasonably be expected to result in psychological injury to a disabled adult in violation of chapter 825 Florida Statutes.

On March 6, 2006, Mr. Rodems made a false verification the Court about the March 3, 2006 telephone call. Mr. Rodems submitted Defendants' Verified Request For Bailiff And For Sanctions, and told the Court under oath that I threatened acts of violence in Judge Nielsen's chambers. It was a stunt that backfired when a recording of the phone call showed that Mr. Rodems lied. This was an intentional act that could reasonably be expected to result in psychological injury to a disabled adult in violation of chapter 825 Florida Statutes.

My home office business telephone extension (352) 854-7807 is recorded for quality assurance purposes pursuant to the business use exemption of Florida Statutes chapter 934, section 934.02(4)(a)(1) and the holding of *Royal Health Care Servs., Inc. v.*

² See Emergency Motion To Disqualify Defendants' Counsel Ryan Christopher Rodems & Barker, Rodems & Cook, P.A. submitted July 9, 2010. (Writ of Prohibition, Exhibit 19)

Jefferson-Pilot Life Ins. Co., 924 F.2d 215 (11th Cir. 1991). In addition, Mr. Rodems provided written consent to record telephone calls, see *Notice Of Mr. Rodems' Written Consent To Record Telephone Conversations With Him*, submitted December 29, 2006.

Mr. Rodems unlawfully disrupted the proceedings. Initially I had a good working relationship with Judge Nielsen and his judicial assistant Myra Gomez. After Rodems' stunt Judge Nielsen did not manage the case lawfully, favored Defendants in rulings, and responded to me sarcastically.

Following the hearing of April 25, 2006 Mr. Rodems waited outside Judge Nielsen's chambers to taunt me and provoke a fight. At the next hearing June 28, 2006 I requested protection from the Court to prevent a reoccurrence.

MR. GILLESPIE: Thank you, Judge. And, Your Honor, would you ask that Mr. Rodems leave the area. The last time he left, he was taunting me in the hallway and I don't want that to happen today.

THE COURT: Well, you can stay next to my bailiff until he goes home and then you can decide what you want to do, sir.

(Transcript, June 28, 2006, beginning on page 21, at line 20)

It was clear that the Court was hostile and prejudiced against me, and after denying a motion to disqualify that was untimely, Judge Nielsen recused himself sua sponte.

During a hearing February 5, 2007, Judge Isom referred me to law enforcement, and Kirby Rainsberger, Legal Advisor to the Tampa Police Department, reviewed the matter and wrote February 22, 2010 that Mr. Rodems was not right and not accurate in representing to the Court as an "exact quote" language that clearly was not an exact quote.

My communication with Mr. Rainsberger is enclosed in PDF on CD, 119 pages.

The delay in contacting Mr. Rainsberger was due to hiring counsel following Judge Isom's hearing. In April 2007 attorney Robert W. Bauer of Gainesville began to represent me. Mr. Bauer complained in open court about Mr. Rodems: "...Mr. Rodems has, you know, decided to take a full nuclear blast approach instead of us trying to work this out in a professional manner. It is my mistake for sitting back and giving him the opportunity to take this full blast attack." (transcript, Aug-14-08 emergency hearing before the Honorable Marva Crenshaw, p. 16, line 24). Mr. Bauer moved to withdrawal from the case October 13, 2008, and the withdrawal Order was signed October 9, 2009.

Mr. Rodems' violation of § 784.048, Florida Statutes

Since March 3, 2006, Mr. Rodems has directed, with malice aforethought, a course of harassing conduct toward me that has aggravated my disability, caused substantial

emotional distress and serves no legitimate purpose. This is a violation of Florida Statutes, §784.048. As used in section 784.048(1)(a) "Harass" means to engage in a course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose. As used in section 784.048(1)(b) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. (relevant portion). As used in section 784.048(2) Any person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Mr. Rodems has harassed me throughout this lawsuit. Mr. Rodems telephoned me and threatened to reveal client confidences from prior representation³ and taunted me about my vehicle. Mr. Rodems submitted a perjured pleading to the Court falsely naming Judge Nielsen in an "exact quote" attributed to me⁴. Mr. Rodems has engaged in name-calling by phone and by letter. Mr. Rodems has called me "cheap" and a "pro se litigant of dubious distinction"⁵. Mr. Rodems has written me that "you are a bitter man who has apparently been victimized by your own poor choices in life" and "you are cheap and not willing to pay the required hourly rates for representation."⁶ Mr. Rodems has set hearings without consulting me⁷. On one occasion Mr. Rodems waited outside chambers to harass me following a hearing⁸. Mr. Rodems has accused me of felony criminal extortion for trying to resolve this matter through the Florida Bar Attorney Consumer Assistance Program. This list of Mr. Rodems' harassing behavior is representative but not exhaustive. For more examples, see Emergency Motion To Disqualify Defendants' Counsel Ryan Christopher Rodems & Barker, Rodems & Cook, P.A. submitted July 9, 2010. These are examples of intentional acts that could reasonably be expected to result in psychological injury to a disabled adult in violation of chapter 825 Florida Statutes.

Mr. Rodems' harassing conduct also prevented me from appearing in court when I was represented by counsel, see Affidavit of Neil J. Gillespie September 17, 2010, filed with the Court September 18, 2010. Mr. Bauer sent me an email July 8, 2008. Mr. Bauer wrote he does not wish for me to attend hearings because he is concerned that Mr. Rodems' comments to me will enflame the situation. Mr. Bauer wrote "I am sure that he makes them for no better purpose than to anger you. I believe it is best to keep you away from him and not allow him to prod you." Upon information and belief, the behavior Mr. Bauer has attributed to Mr. Rodems, comments made "for no better purposes than to anger you", is unlawful harassment and a violation of section 784.048, Florida Statutes. A copy of my affidavit is enclosed.

³ March 3, 2006 telephone call, Mr. Rodems to Gillespie

⁴ March 6, 2006, *Defendants' Verified Request For Bailiff And For Sanctions*

⁵ December 13, 2006 voice mail by Mr. Rodems to Gillespie

⁶ December 13, 2006, letter by Mr. Rodems to Gillespie

⁷ The most recent was Dec-16-09, when Mr. Rodems set a hearing for Jan-19-10 for *Defendants' Motion for an Order Compelling Plaintiff to respond to the Defendants' Request for Production and Attend Deposition*

⁸ Following the hearing of April 25, 2006

History of the Case

The case is in its 6th year. The case is on its 5th trial judge. There have been 4 appeals to the 2dDCA and a Petition for Writ of Prohibition to remove Judge Cool. Previously I was represented by attorney Robert W. Bauer of Gainesville, but he dropped the case due to its extremely contentious nature. Attorney Sheldon J. Childers subsequently reviewed the case and determined Barker, Rodems & Cook actually defrauded me of \$7,143, not \$6,224.78 claimed in the original pro se complaint. Plaintiff's First Amended Complaint was filed May 5, 2010 (Writ of Prohibition, Exhibit 18) but the court refused to consider even one amended complaint. This case shows that the Thirteenth Judicial Circuit obstructed justice to help Barker, Rodems & Cook avoid paying a disabled adult \$7,143 lawfully owed him. Therefore a federal Civil Rights and ADA lawsuit was commenced, Gillespie v. Thirteenth Judicial Circuit, Florida, et al., case no.: 5:10cv-00503, US District Court, Middle District of Florida, Ocala Division, September 28, 2010.

As a result of my accusations of wrongdoing against the Thirteenth Judicial Circuit, I find myself in a position not unlike Judge Gregory P. Holder who during 2001 and 2002 cooperated with the FBI in the courthouse corruption investigation. According to testimony by Detective Bartoszak, the courthouse corruption investigation team was concerned that Judge Holder's activities were being monitored by targets of the investigation. Judge Holder was advised by federal law enforcement agents to carry a weapon, and he was provided with a secure cell phone to communicate with the authorities. [Bartoszak Tr. pp. 7-8, at App. 3.]. Detective Bartoszak testified that because of Judge Holder's cooperation, the investigation's targets had motive and resources to seek retribution against him. [Id. at pp. 7-8] Indeed, these targets faced not just loss of position but potential incarceration. [Id.]. At this time I fear retribution from judges, employees, and third party supporters of the Thirteenth Judicial Circuit as a result of my accusations of wrongdoing.

Dr. Huffer documented in her letter of October 28, 2010 how the Court and Mr. Rodems have discriminated against me in this case. Dr. Huffer showed that I sustained permanent secondary wounds, and face ongoing risk to life, health and exhaustion of the ability to continue to pursue justice. Dr. Huffer also noted that the power differential becomes an abusive and oppressive issue between a person with disabilities and the opposition and/or court personnel, and the litigant with disabilities cannot overcome the stigma and bureaucratic barriers. This is a historic problem in the Thirteenth Judicial Circuit and with the Hillsborough County Sheriff's Office.

Discrimination by HCSO

The St. Petersburg Times reported February 13, 2008 about quadriplegic Brian Sterner who was dumped out of a wheelchair and onto a jail floor by HCSO Deputy Charlette Marshall-Jones. The Sheriff's Office video shows Deputy Marshall-Jones dumping

Sterner from his wheelchair like cargo from a wheelbarrow, pushing up the handles as he fell to the ground. The other deputies in the video do not intervene. One walked away smiling. A CNN video about the incident is posted on YouTube at http://www.youtube.com/watch?v=huRYZAJ8wzA&feature=player_embedded

The Times reported that at a news conference, Sheriff's Office Chief Deputy Jose Docobo said he was troubled not only by what happened to Sterner but by the lack of response from experienced supervisors. "The fact that none of the supervisors acted upon what they saw or had knowledge of is of grave concern to us," he said. "The fact that no reports were written further concerns us." A copy of Times story is on the CD in PDF, and posted online at http://www.sptimes.com/2008/02/13/Hillsborough/Treatment_of_disabled.shtml

I am outraged in how the HCSO treated quadriplegic Brian Sterner. I believe Deputy Marshall-Jones put Mr. Sterner's life and health at risk. As such, would Mr. Sterner have been justified to act in self-defense under section 782.02 Florida Statutes?

I believe certain HCSO deputies are prejudiced in my case, including Deputy Henderson and possibly Deputy Christopher E. Brown, and perhaps others.

When I arrived in Tampa September 28, 2010 for the hearing before Judge Cook at 11:00am she was unaware of the federal lawsuit where she was a defendant. I had a duty to inform her prior to the hearing, and did so by handing a copy of the complaint to Deputy Henderson and asked him to give it to Judge Cook while she was still in chambers. This was not for service of process, but to inform Judge Cook that she was a defendant in a lawsuit. Rule 3, FRCP, Commencement of Action, a civil action is commenced by filing a complaint with the court.

Deputy Henderson refused to take the complaint from me, and he refused to hand it to Judge Cook in chambers. Instead Deputy Henderson went back to Judge Cook's chambers where I assume he said something to the judge. Deputy Henderson left me no choice but to address the issue in open court as shown in the record. Deputy Henderson also acted hostile toward me in his manner and expressions.

Your letter of January 12, 2011 confirmed my assertion that Judge Cook ordered me removed from the courtroom September 28, 2010, and that I did not leave voluntarily. Your letter is evidence that Judge Cook falsified a record, as shown in my affidavit of November 1, 2010.

As for the timing and circumstances under which Judge Cook ordered me removed, I take issue with the following. You wrote that "[I] made contact with Deputy Christopher E. Brown concerning your request for an explanation regarding why he escorted you out of the courthouse on September 28, 2010 after a hearing with Judge Martha Cook." Please be advised that Judge Cook ordered me removed at the beginning of the hearing, not

"after" as inferred by your letter. The hearing was transcribed and the relevant pages are part of my affidavit dated November 1, 2010.

As for the circumstances of the removal, you wrote that "Deputy Brown advised that the Judge ordered you to leave after a disruption in the courtroom." I take issue with the "disruption" characterization. The record shows I made appropriate speaking motions for the circumstances given Deputy Henderson's failure to cooperate.

I notified you by email January 31, 2011 that I do not believe it is safe for me to enter the Edgecomb Courthouse or attend hearings in the Thirteenth Judicial Circuit. My concerns extend beyond Mr. Rodems' stunts. I am concerned with judges acting unlawfully under the color of law and worse. I am also disappointed by the behavior of Deputy Henderson as described above. And you have my concerns about statements attributed to Deputy Brown. You did not respond to my communication.

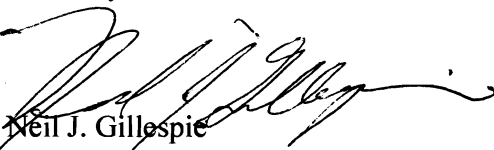
Since then other issues have arisen. Pleadings have been unlawfully removed from the case file and are missing. Judge Cook unlawfully disclosed confidential information by instructing Donna Healy, Associate Courts Director, to docket my HIPAA protected ADA confidential medical information June 21, 2010.

Mr. Rodems unilaterally set a hearing in this case for May 3, 2011 at 11:30am. Rodems set the hearing without coordinating the date and time with me. I wrote him and Judge Arnold April 16, 2011 to cancel the hearing, see Plaintiff's Notice of Filing Letters with The Honorable James D. Arnold and Mr. Rodems. Also find enclosed Plaintiff's Notice of Unavailability submitted April 16, 2011.

You did not respond to my emails dated January 31, 2011 or February 2, 2011. This is a violation of the public trust, reflects discredit upon you and the HCSO, suggests partiality in the way the HCSO operates, and undermines my confidence in government.

This case is currently on appeal in the 2dDCA, Case No. 2D10-5197. Because of the foregoing I do not believe Thirteenth Judicial Circuit can safely or lawfully adjudicate this matter. I request that you recommend this case be transferred to another circuit.

Sincerely,



Neil J. Gillespie
8092 SW 115th Loop
Ocala, Florida 34481
Telephone: (352) 854-7807

cc: Dr. Karin Huffer

Enclosures in paper format, and PDF on the enclosed CD:

1. Affidavit of Neil J. Gillespie, November 1, 2010, *Judge Martha J. Cook ordered Gillespie removed from the hearing on Defendants' Motion for an Order of Contempt and Writ of Bodily Attachment, then falsified the Order stating Gillespie voluntarily left the hearing and did not return*
2. Plaintiff's Notice of Filing Communication with Major James Livingston, Commander of the Court Operations Division, Hillsborough County Sheriff's Office, January 19, 2011
3. Clerk's Certificate dated March 22, 2011
4. Emails with Donna Healy, Associate Courts Director, docket entry June 21, 2010
5. Dr. Huffer's letter, October 28, 2010
6. Affidavit of Neil J. Gillespie September 17, 2010, filed with the Court September 18, 2010
7. St. Petersburg Times, Feb-13-08, Treatment of disabled man attracts national spotlight
8. Plaintiff's Notice of Filing Letters with The Honorable James D. Arnold and Mr. Rodems
9. Plaintiff's Notice of Unavailability, April 16, 2011

Enclosures only in PDF on enclosed CD

10. Verified Emergency Petition For Writ of Prohibition and Motion For Order of Protection, Case No. 2D10-5529, November 18, 2010
11. Plaintiff's Accommodation Request ADA, February 20, 2007
12. Plaintiff's Amended Accommodation Request ADA, March 5, 2007
13. Communication with Mr. Rainsberger, Tampa Police Department

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
OF FLORIDA IN AND FOR HILLSBOROUGH COUNTY

IN RE: AN INVESTIGATION INTO JUDICIAL MISCONDUCT
IN HILLSBOROUGH COUNTY.

PRESENTMENT

Late in the afternoon of Thursday, July 27, 2000, Bailiff Sylvia Gay used her key to enter the offices of Circuit Judge Gregory Holder in the Hillsborough County Courthouse. Gay who is assigned by the Hillsborough County Sheriff's Office to work for Judge Holder was there to retrieve some personal effects. When she entered the offices, she found to her surprise that they were occupied by Judge Robert Bonanno.

Behind this seemingly simple scenario lie many complicated legal and ethical issues which have captured the attention and affected the operation of the Hillsborough County judicial system since that July day. To sort out these issues, we the Grand Jury for Hillsborough County for the Fall Term of 2000, were asked to conduct an investigation into Judge Bonanno's conduct and other related matters. In the process, we met on six separate occasions, listened to the testimony of twenty-four witnesses, examined many items of documentary evidence, and made a visit to Judge Holder's offices. As a result of our investigation, we today recommend the resignation or removal of Judge Bonanno from his position as a judge of the Thirteenth Judicial Circuit. We will also have several other observations to make, but we begin with what is the primary focus of our inquiry. Based

on the testimony we heard, we make the following factual findings.

In addition to serving as a circuit judge, Judge Holder is a reserve military judge assigned to the United States Air Force Judiciary. From time to time this requires his presence at military trials held outside of the State of Florida. July 27, 2000, was such a day. However, his judicial assistant kept his office open throughout the day until she left at 4:30 p.m. At that time she turned off all the lights in Judge Holder's suite of offices and checked all of the doors leading into the suite. All of them were locked. In order to understand what followed, it is helpful to know the layout of the suite, and to that end a diagram is attached to this report as Exhibit A.

Because of Judge Holder's absence, Bailiff Gay was temporarily assigned to work for another judge on the twenty-seventh. However, as was her custom, she stored her personal effects in Judge Holder's break room. Thus, when her normal workday ended she returned to Judge Holder's offices at about 5:20 p.m. The third floor of the courthouse where they are located was quiet and as it was before 5:30 p.m. when the cleaning crew would clock in and begin its rounds, she expected to find no one there.

Using her key, Bailiff Gay unlocked the front door of the suite and entered into the waiting room. To her surprise and consternation, she saw that lights were on in the break room and Judge Holder's private office. She stood still for several seconds, but when she saw a reflection or shadow moving in a furtive manner on a picture hanging on the wall in the private office, she called out the word "hello" in a raised tone of voice. When this elicited no response, she again called out "hello" in an even louder tone. After a moment's pause, Judge Bonanno appeared through the door of the private office into the waiting

room. He said he was there to talk to Judge Holder about several matters and thought that Judge Holder was not leaving town until that evening. He then engaged Bailiff Gay in a few moments of idle conversation before they both left the suite together.

Upset by the incident, Bailiff Gay sought to inform Judge Holder of what had happened. With the help of Judge Holder's wife, she was successful. Judge Holder was equally concerned. Although he knew that Judge Bonanno, like all the other judges with offices on the third floor of the courthouse, had a key to his office, he could think of no good reason for him to be there under the conditions in which Bailiff Gay found him. As a consequence, he contacted the Chief Judge and requested a meeting with the Chief Judge and Bonanno. That meeting was scheduled for the following Monday.

At the Monday meeting, Judge Bonanno immediately attacked Judge Holder for implying that he might have done anything wrong. Affronted by this attitude, Judge Holder terminated the meeting and requested an official investigation of the matter, which led to our involvement.

The investigation of Judge Bonanno's entry into Judge Holder's offices was undertaken by the Hillsborough County Sheriff's Office and the Florida Department of Law Enforcement. While we need not review that investigation in detail, there are certain points which are relevant to our conclusions. Primarily they concern statements given by Judge Bonanno to investigators and others relating to how he entered the offices of Judge Holder, how he found the offices, how he responded to Bailiff Gay's entry, and why he went there. As to his entry into Judge Holder's offices, he told investigators that he entered through the side hall door into Judge Holder's private office which he found to be ajar. This is

significant because of the credible testimony we received which indicated that the door was locked. Moreover, the evidence we received, as well as our own physical examination of the door, demonstrated that because of a closing bar at its top, it is impossible for that door to remain ajar. On the issue of how Judge Bonanno found the offices, he said in his statement to investigators that lights were on in the private office and hearing room but nowhere else. This flies in the face of Bailiff Gay's assertion that lights were on only in the private office and the break room. Another conflict between his story and Bailiff Gay's account is that he told investigators he called out Judge Holder's first name when he heard someone enter through the front door while Bailiff Gay heard only silence until Judge Bonanno walked into the waiting room. From our visit to Judge Holder's offices, we conclude that if Judge Bonanno had spoken at anything above a whisper, Bailiff Gay would have heard him.

The most significant part of the investigation dealt with the reason or motive for Judge Bonanno entering Judge Holder's offices. On that point, the evidence we received establishes that Judge Bonanno himself has at various times given conflicting answers to that question. For example, the Tuesday after the incident, he told a lawyer that he was in the offices to deliver statistics. Yet in various statements he told investigators that he went to the offices to discuss a particular case with Judge Holder. In other statements he mentioned not only a discussion of the case but also a need to discuss courthouse politics.

The evidence we heard establishes that others have very different opinions as to why Judge Bonanno went to Judge Holder's offices. Judge Holder has a reputation for being a forthright man who is willing to speak his mind and who takes a dim view of misbehavior

on the part of his colleagues. Thus, many people believed that Judge Bonanno went to Judge Holder's offices looking for written material or evidence of the misconduct of other judges who were friends of Judge Bonanno. In particular, they surmised that he might have been looking for material on Judge Gasper Ficarrota.

While Judge Bonanno remains the primary focus of our report, we think it is important at this point to also examine the conduct of Judge Ficarrota who has recently resigned from his position as a circuit judge. As can be seen from the evidence which we have just related, our inquiry into Judge Ficarrota's conduct flows naturally from our investigation of Judge Bonanno. Moreover, we think that the parallels between Judge Ficarrota's actions and those of Judge Bonanno are instructive. Finally, we believe that the public deserves some explanation as to the reasons behind Judge Ficarrota's resignation.

The evidence which we heard establishes that Judge Ficarrota conducted an extramarital affair with a Hillsborough County Bailiff, Tara Pisano, which lasted for more than a year. While we do not believe it is necessary for us to chronicle the details of their relationship, we think it is important to note that sexual relations occurred between them in the courthouse during normal business hours.

In addition, we find from the evidence that Judge Ficarrota assisted with Hillsborough County Sheriff Cal Henderson's 2000 election campaign by helping to organize a fund raising party given by several lawyers on the Sheriff's behalf. Judge Ficarrota was aided in this endeavor by Bailiff Pisano and by Corporal Michael Sheehan who is also employed by Sheriff Henderson. Again, we think it should be noted that both engaged in these activities while on duty. We should add that we heard no evidence that Sheriff

Henderson knew of or would have approved of Judge Ficarrota's involvement in his campaign or of the fact that Pisano and Sheehan were doing campaign work on county time.

After the relationship ended between Bailiff Pisano and Judge Ficarrota, she brought Judge Ficarrota's activities to the attention of the Judicial Qualifications Commission which initiated a secret investigation of him. That investigation has been terminated without its results being made public as a result of Judge Ficarrota's resignation from the Bench. While we in no way condone the conduct of Judge Ficarrota, we believe that his resignation was an honorable act which saved the taxpayers of this county and the state an untold amount of money.

We now return to our discussion of Judge Bonanno and the ways in which his situation parallels Judge Ficarrota's. In the course of our investigation we found incontrovertible evidence that Judge Bonanno, like Judge Ficarrota, conducted an illicit courthouse affair. This affair lasted for approximately five years and involved a person who was then an employee of the Hillsborough County Clerk's Office. The two spent much time together in Judge Bonanno's private offices and once attended a judicial conference together in Fort Lauderdale. While we acknowledge that a judge's private life is not public property, we think that improprieties committed on public time and public property are properly subject to public scrutiny.

What then are we to say about Judge Bonanno? First we must examine the issue of whether he committed a crime by entering Judge Holder's offices as he did. Based on the law as we understand it, we conclude that he did not. While we do not condone his conduct, we think that the fact that he, like many others, was assigned a key to Judge

Holder's offices gave him the legal if not moral right to enter as he did.

Having decided that issue, we turn to the question of what if any impact Judge Bonanno's conduct has had on his ability and right to hold office. Quite simply, we conclude, based on the evidence we have heard, that Judge Bonanno has violated Florida's Code of Judicial Conduct by demeaning his judicial office. Moreover, we believe that he has lost the credibility necessary for a judge. It is important that the public understand that we reach this conclusion based not only on the fact of his having been found in Judge Holder's offices under suspicious circumstances, which while poor form was not, as we have noted, a crime. Rather, we are more concerned about the incredible and conflicting accounts he has given about the incident. Whether his observation and memory are faulty or he is just plain lying, we cannot determine. What we can determine is that because of his lack of credibility and his conduct of his personal life, he is no longer fit to be a judge. We ask him to follow Judge Ficarrota's commendable example and immediately resign his position as a judge of the Thirteenth Judicial Circuit. However, if he should fail to do so, we urge the Judicial Qualifications Commission and the Florida Supreme Court to take action to immediately suspend him and then remove him from office after appropriate proceedings.

Before concluding, we believe it proper to make three observations about matters which while not directly related to our conclusions about Judge Bonanno were presented by the evidence we heard. The first deals with Bailiff Tara Pisano and Corporal Michael Sheehan. As we have noted, the evidence we heard established that she had sexual relations with Judge Ficarrota in the courthouse during working hours and that both she and Sheehan engaged in campaign activities while on duty. Although we do not know what

discipline this might command, we strongly recommend that the Sheriff initiate an internal affairs investigation. Given the price which Judge Ficarrota has paid, we believe simple fairness demands that the conduct of his partners not go unexamined.

Our second observation deals with the Judicial Qualifications Commission. This is the agency charged with investigating misconduct on the part of judges and making recommendations to the Florida Supreme Court for appropriate discipline. As in the case of Judge Ficarrota, they operate in secrecy during their investigative stage and should a judge resign prior to being formally charged, the investigation remains secret even if it contains evidence of a crime. Consequently, in the case of Judge Ficarrota the public would never have known of the nature of his misdeeds but for our investigation. We do not believe that these rules instill confidence in the judiciary or otherwise serve the public well. Therefore, we would urge the Supreme Court and other appropriate authorities to examine the secrecy rules of the Judicial Qualifications Commission so as to bring the proceedings and records of that body into the sunshine.

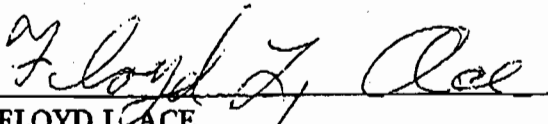
The third observation which we wish to make focuses on Chief Judge Dennis Alvarez and the office of Chief Judge of the Circuit. Opinion evidence we received indicated a concern with the practice of a chief judge serving an unlimited number of terms, as has long been the case in Hillsborough County, and with the ability of a long serving chief judge such as Judge Alvarez to effectively deal with problems like the ones we have examined in this report. On the other hand, others who testified before us thought that the current system works well. Based then on the record before us, while we might wish that the Chief Judge had taken a more active role in preventing the embarrassment our justice system has

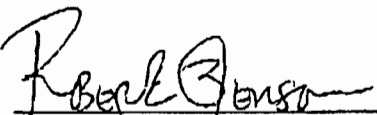
suffered, we are simply not in a position to make a finding on this issue. However, we do believe it is an issue which deserves further examination, and we would strongly encourage our local judiciary as well as the Florida Supreme Court to undertake a careful study of the matter.


In closing, we think it is vitally important to say that there are many fine, hard-working judges in the Hillsborough County judicial system. We find it unfortunate that their reputations have been tarnished by the antics of a few, but we are certain that once this process is concluded, they will be able with a concerted effort to restore the public's confidence in its judiciary.

This report of the Hillsborough County Grand Jury made in open court this 8th Day of December, 2000.


NELDA SUZANNE LYNN, VICE FOREMAN

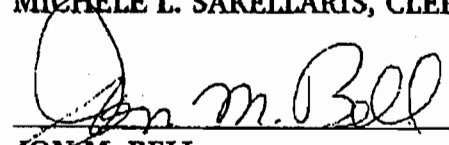

FLOYD L. ACE



ROBERT E. BENSON


CAROL J. BYRNES

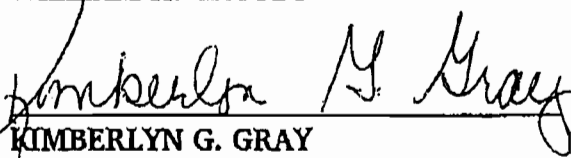

CATHY D. ELTZROTH


MICHELE L. SAKELLARIS, CLERK


JON M. BELL


VICKI A. BENSON


WILLIAM H. CROSBY


KIMBERLYN G. GRAY

Barbara R. Kalt

BARBARA R. KALT

Keith E. Kiplinger

KEITH E. KIPLINGER

Steven Jerome Lewis

STEVEN JEROME LEWIS

Joe A. Lovering

JOE A. LOVERING

Joan E. Lynch

JOAN E. LYNCH

Michael J. Madalena

MICHAEL J. MADALENA

Eveann M. McBride

EVEANN M. MCBRIDE

Valerie W. Meyer

VALERIE W. MEYER

Susan M. Reilly

SUSAN M. REILLY

Kevin H. Walker

KEVIN H. WALKER

CERTIFICATE OF STATE ATTORNEY

I, JERRY HILL, State Attorney of the Tenth Judicial Circuit being assigned to the Thirteenth Judicial Circuit by order of the Governor of Florida, do hereby certify that as authorized and directed by law, I have advised the Grand Jury in regards to returning this presentment.

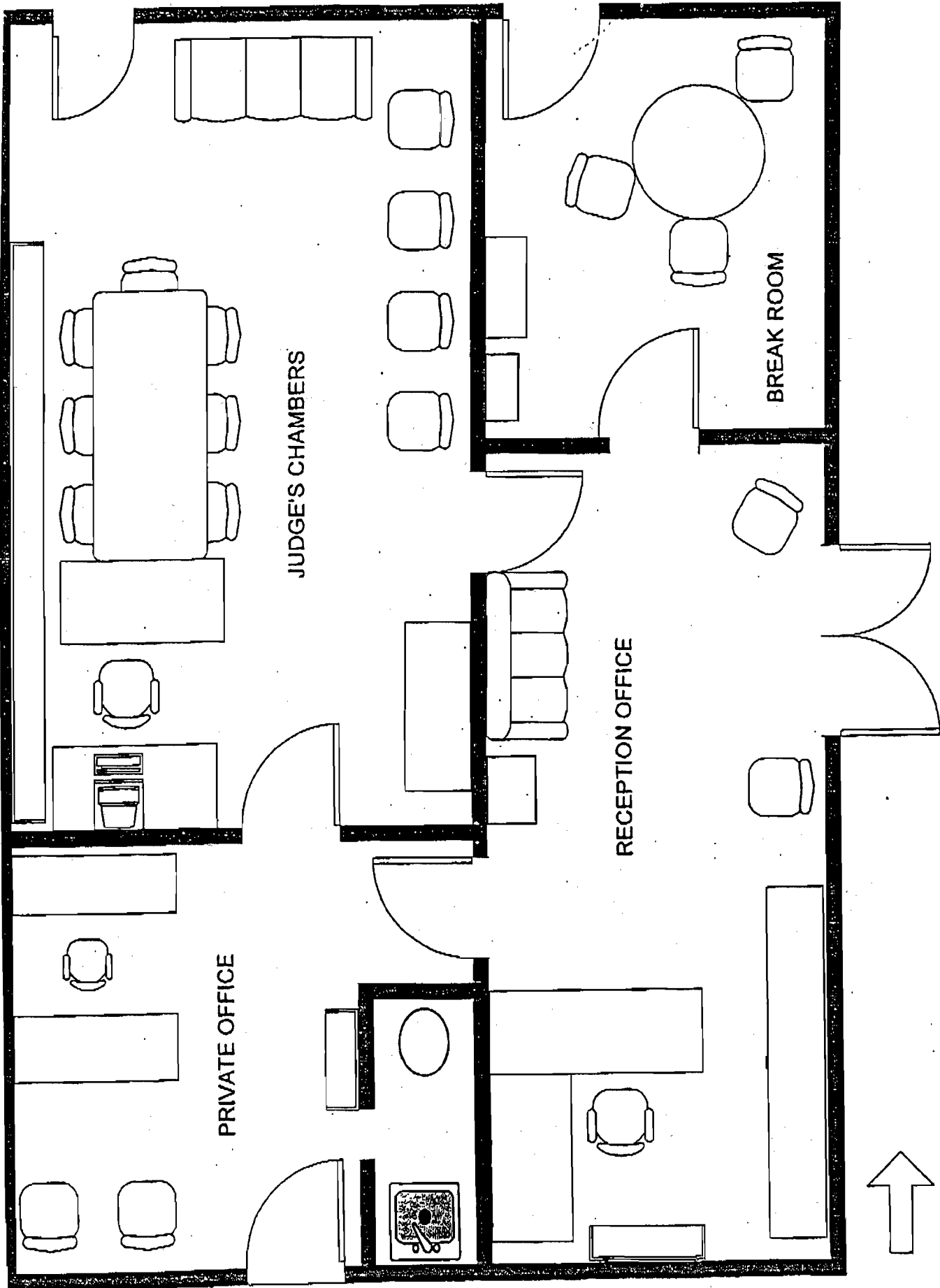
THIS 8TH Day of December, 2000.

Jerry Hill

JERRY HILL
STATE ATTORNEY
TENTH JUDICIAL CIRCUIT

PRESENTED by the Grand Jury and filed in open court in Tampa, Hillsborough
County, Florida, this 8 Day of December, 2000.

Becky Loggans
CLERK OF THE CIRCUIT COURT



PRIVATE OFFICE

JUDGE'S CHAMBERS

RECEPTION OFFICE

BREAK ROOM

ENTRY ROOM 370 EXHIBIT A

N

NOT TO SCALE

Neil Gillespie

From: "The Florida Bar President" <president@flabar.org>
To: <neilgillespie@mfi.net>
Sent: Saturday, March 19, 2011 8:31 AM
Subject: LEGISLATIVE BRIEFING FROM FLORIDA BAR PRESIDENT MAYANNE DOWNS
LEGISLATIVE BRIEFING FROM FLORIDA BAR PRESIDENT MAYANNE DOWNS

To all Florida Bar members:

The Florida House of Representatives and the Florida Senate have released a **series of bills and proposed constitutional amendments that would materially change the judicial branch**, the selection and retention of judges, the funding of the judiciary, judges' and government lawyers' retirement benefits, and rulemaking. The number, timing, scope and quick release of these proposals are unprecedented, and The Florida Bar is on constant alert for additional filings.

Bills are currently pending that would:

- Strip rulemaking from the Supreme Court, and give it to the Legislature--
- Eliminate all JNC's at the appellate court level and require Senate confirmation of gubernatorial appointees--
 - Eliminate JQC confidentiality--
 - Pay judges based on how many cases they decide--
 - Split the Supreme Court--
 - Raise the vote from 50% to 60% for merit retention--
- Remove The Florida Bar entirely from the JNC process--

While legislative proposals are ever-changing, **I want you to know what The Florida Bar is doing on behalf of the legal profession and the judiciary**. Over the next six weeks, we will actively participate in the legislative process to ensure that reasonable approaches and alternatives are being considered as these proposals are heard.

First and foremost, the Bar is committed to adequate funding for the third, co-equal branch of our government. We are keenly aware that court funding is central to all that we do, and we are pushing forward on all fronts to secure that funding. **The need for sufficient and stable funding of Florida's court system is the Bar's top priority.** The gap between what the court system needs and what it receives has widened dangerously as the recession has forced cuts at the same time that Floridians and businesses are increasingly turning to our courts for relief -- which is their constitutional right.

In addition, it is important for every Florida Bar member to know:

- **We are committed to working with the Legislature to find common ground and common sense solutions to the issues these proposed bills seek to address.** While it may not be possible to bridge the Bar's points of view and the Legislature's, we are working hard on options, with the principle firmly in mind that **any proposal to change Article V must clearly demonstrate improved judicial administration and efficiency, while maintaining the integrity and independence of our judiciary.**
- **We are working to maintain existing supportive relationships and to build**

new ones. We are reaching out in particular to our lawyer legislators, and you should too. This is a tough legislative climate with stark budgetary problems, and these legislators deserve our gratitude and respect for their willingness to serve.

- **We continue to meet with editorial boards** of Florida newspapers with very good results thus far. At the bottom of this email are links to recent editorials supporting the judiciary, and links to keep you current on the status of proposed legislation and to contact state lawmakers.
- **The Florida Bar has an extraordinary advocacy team.** Our lobbyists are respected, experienced and skilled, and Bar leadership and dedicated volunteers are actively involved as well.

Yesterday, the House Civil Justice Subcommittee approved bills that would propose to amend Article V to split the Supreme Court into two, five-member specialty panels for civil and criminal appeals; remove The Florida Bar's responsibility to nominate JNC lawyer members, giving complete authority for all JNC appointments to the governor; and abolish appellate JNCs and require Senate confirmation of gubernatorial appointments to the appellate courts. I testified on all of these proposals and **urged caution and careful consideration about making such major systemic changes.**

These are challenging times. I cannot promise that the results of this session will be everything we want, or that final legislation will be non-controversial. I can promise, though, that your Bar leadership team is fully and completely engaged, and is passionately fighting for the very best outcomes we can obtain.

Regards,



LINKS

[Florida Newspaper Editorials in Support of Adequate Court Funding](#)

[2011 Bill Reports](#)

[Florida Bar Webpage: Legislative Activity](#)